

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GLEN B. AKE,

Plaintiff,

v.

DREW EDMONDSON, et al.,

Defendants.

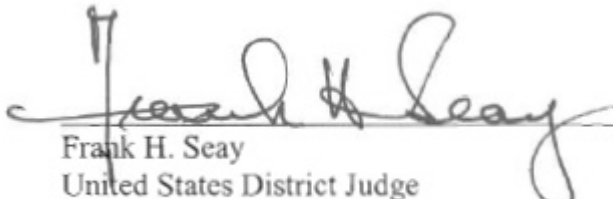
No. CIV 08-407-FHS-KEW

OPINION AND ORDER

Plaintiff, an inmate in the custody of the Oklahoma Department of Corrections who is incarcerated at Oklahoma State Penitentiary in McAlester, Oklahoma, has filed this civil rights action, pursuant to 42 U.S.C. § 1983. He is seeking a declaratory judgment that he has been wrongfully incarcerated for almost 30 years, because he was insane at the time of his crimes. Such challenges to convictions and sentences must be raised through a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, after exhaustion of state court remedies. *See* 28 U.S.C. § 2254(b). Because plaintiff asserts he has exhausted all the remedies for his claims, including federal habeas corpus, he is required to obtain authorization from the Tenth Circuit Court of Appeals to file a second or successive § 2254 action. 28 U.S.C. § 2244(b)(3)(A). Plaintiff has not presented the required authorization, so this action is dismissed for lack of jurisdiction. *See In re Cline*, 531 F.3d 1249, 1252 (2008).

ACCORDINGLY, this action is DISMISSED WITHOUT PREJUDICE.

DATED this 29th day of October, 2008.


Frank H. Seay
United States District Judge
Eastern District of Oklahoma